

REMARKS

Claims 1-33 are pending in the application. Claims 1-32 were rejected under 35 U.S.C. § 103 (a). Claim 20 was rejected under 35 U.S.C. § 101.

Rejection Under 35 U.S.C. § 101

Claim 20 was rejected under 35 U.S.C. § 101 because the Office Action states that the claimed invention is directed to non-statutory subject matter.

Applicant has responded by amending claim 20 and the specification per the suggestion of the Examiner.

Rejections Under 35 U.S.C. § 103 (a)**Rejection Under Salvage, Mikhailov, Battle and Chang**

Claims 1-6, 8-14, 17-22, 24 and 26-32 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U. S. Patent Application Number 2001/0009014 issued to Savage et al. dated July 19, 2001 in view of U. S. Patent Application Number 2002/0080949 issued to Mikhailov dated June 27, 2002, and further in view of U. S. Patent Number 5,966,662 issued to Murto on October 12, 1999 and U. S. Patent Number 5,958,016 issued to Chang on September 28, 1999.

Applicant respectfully traverses this ground of rejection for the following reasons.

First, applicant's claim 1 recites,

"one or more application server components that transmit one or more user inputs to one or more telephony devices on a call through employment of one or more data streams associated with the call, the one or more application server components being in one or more networks that communicate with other networks via one or more call control protocols, and at least one of the one or more call control protocols is a Bearer Independent Call Control (BICC) protocol;

wherein at least one of the one or more application server components is customer premise equipment operable to communicate through employment of a Session Initiation Protocol (SIP) with one or more other application server components that are customer premise equipment; and

wherein the one or more application server components establish the one or more data streams via employment of a) one or more data stream request messages and

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b) one or more identifiers which distinguish calls associated with the one or more application server components, and wherein the one or more application server components select the one or more identifiers through employment of one or more methods, and at least one of the one or more methods is a priority selection method."

As stated in the Office Action, Savage, Mikhailov and Murto do not teach or suggest application servers as customer premise equipment. This is because Savage and Mikhailov disclose network based servers. See paragraph 0040 of Salvage and FIGs. 2-4 of Mikhailov. Murto does not disclose servers.

Second, applicant agrees that Chang discloses a "PC or other computer on the customer premise" that the Examiner has equated to applicant's recited "at least one of the one or more application server components is customer premise equipment". However, Chang's "PC or other computer on the customer premise" is used to access a web page in the network rather than to communicate with one or more other application server components that are customer premise equipment as required by applicant's claim 1. See column 4, lines 45-58. More specifically, Chang's "PC or other computer on the customer premise" is used to access a web page via an application server in the network. See column 5, lines 42-49.

Also, Chang fails to disclose that the "PC or other computer on the customer premise" communicates through employment of SIP as required by applicants' claim 1. Instead, Chang discloses that subscribers have Internet access to the network. See column 7, lines 13-23. Furthermore, Chang discloses TCP/IP as an Internet protocol to communicate data messages between various nodes. See column 12, lines 50-56. Thus, Chang, similar to Savage, Mikhailov and Murto, is missing the "wherein at least one of the one or more application server components is customer premise equipment operable to communicate through employment of a Session Initiation Protocol (SIP) with one or more other application server components that are customer premise equipment" elements, as recited in applicant's claim 1.

Third, the Examiner has cited Mikhailov for the disclosed use of SIP. However, Mikhailov uses SIP signaling for nodes in the network, e.g., Content/Service Messaging Network, rather than between CPE application server components as required by applicant's claim 1. See FIGs. 6-7 and paragraphs 0031-0033. Again, Savage,

Mikhailov, Murto and Chang are missing the "wherein at least one of the one or more application server components is customer premise equipment operable to communicate through employment of a Session Initiation Protocol (SIP) with one or more other application server components that are customer premise equipment" elements, as recited in applicant's claim 1.

Therefore the proposed combination of Savage, Mikhailov, Murto and Chang does not teach or suggest all of the limitations in applicant's claim 1, and therefore claim 1 is allowable over the proposed combination. Since claims 2-14 and 21-32 depend from allowable claim 1, these claims are also allowable over the proposed combination.

Independent claims 17 and 20 each have a limitation similar to that of independent claim 1, which was shown is not taught by the proposed combination. For example, claims 17 and 20 recite, "wherein at least one of the one or more application server components is customer premise equipment operable to communicate through employment of a Session Initiation Protocol (SIP) with one or more other application server components that are customer premise equipment". The proposed combination does not teach or suggest this limitation for the above-mentioned reasons. Therefore, claims 17 and 20 are likewise allowable over the proposed combination. Since claims 18-19 depend from claim 17, these dependent claims are also allowable over the proposed combination.

Rejection Under Salvage, Mikhailov, Murto, Chang, Cloutier and Battle

Claims 7, 15-16 and 25 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Savage in view of Mikhailov, Murto and Chang, and further in view of U. S. Patent Application Number 2004/0015405 issued to Cloutier et al. dated January 22, 2004.

Claim 23 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over Savage in view of Mikhailov, Murto and Chang, and further in view of U. S. Patent Number 6,081,592 issued to Battle on June 27, 2000.

Applicant respectfully traverses these grounds of rejection.

Claims 7, 15-16, 23 and 25 depend from independent claim 1. As noted hereinabove, Savage, Mikhailov, Murto and Chang do not teach or suggest "wherein at

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least one of the one or more application server components is customer premise equipment operable to communicate through employment of a Session Initiation Protocol (SIP) with one or more other application server components that are customer premise equipment", as recited in applicant's independent claims 1, 17 and 20. Cloutier and Battle do not teach or suggest the elements either. Thus, claims 7, 15-16, 23 and 25 are allowable over the proposed combinations of Savage, Mikhailov, Murto, Chang, Cloutier and Battle under 35 U.S.C. § 103 (a).

New Claim

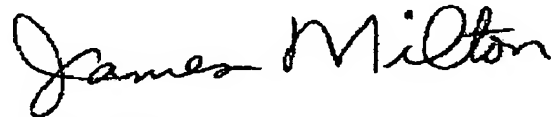
New claim 33 has been added. Claim 33 is substantially similar to a subset of the limitations of claim 1. No new matter has been added.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

In view of the above amendments and remarks, allowance of all claims pending is respectfully requested. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call applicant's attorney.

Respectfully submitted,



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